

28/3/24  
लिपिक

उपसंचालक, नगर रचना, वृहत्मुंबई  
इन्सा हटमेंट, "ई" ब्लॉक, आझाद मैदान  
महापालिका मार्ग, मुंबई-४०० ००९.

To,  
Deputy Director of Town Planning,  
Greater Mumbai  
ENSA Hutments,  
E-Block, Azad Maidan,  
Mahapalika Marg, Mumbai 400 001

**Subject: Legal Representation and Objections to Proposed Modifications to Regulation 33(23) - Transit Oriented Development (TOD)**

**Reference: Notice Number TPB-4320/314/CR-162/2020/UD-11 dated February 29, 2024**

Dear Sir,

On behalf of CREDAI-MCHI, we are submitting our formal legal representation and objections to the proposed modifications to Regulation 33(23) - Transit Oriented Development (TOD) of DCPR-2034, published under section 37(1AA) of the MR&TP Act 1966. We appreciate the opportunity to provide feedback and request a personal hearing following the notice period for the aforementioned modifications.

Our objections and suggestions are as follows:

**1. Alignment with National TOD Policy:** The modification to Regulation 33(23) of DCPR 2034 should adhere to the National TOD Policy issued by the Government of India. This policy should be adapted by the State Government with necessary adjustments for the specific urban center in consideration.

**2. TOD Zone:** Area should be increased to 800 m around the boundary of Metro Rail Station/Mono Rail Station where distance between 2 stations is more than 1 km

**3. Impact Assessment and Mobility Plan:** The requirement for impact assessment and an integrated mobility plan, as outlined in point 2, should be revised to better reflect the spirit of the National TOD policy and align with TOD regulations in other Indian cities.

**4. Delay in TOD Policy for Mumbai:** We welcome the TOD Policy but note the delay in its implementation for Mumbai since 2020, especially considering the inauguration of the Mumbai Metro. The policy should not lag behind infrastructure developments in other cities.

**5. Definition of TOD Zone:** The definition of a TOD Zone should encompass all areas regardless of zoning, excluding only natural zones or mangroves. It should be applicable across all zones except those specifically exempted.

**6. Applicability to Transit Nodes:** TOD regulations should apply to all Metro lines, Mono Line & Suburban Train stations, whether proposed, existing, underground, or above ground, along with major transit nodes, without restrictions such as those outlined in Clause 17.

**7. Area Requirement:** Gross Plot Area to be considered for TOD Policy to ensure effectiveness and viability.

**Maharashtra Chamber of Housing Industry**

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Sejal Goradia

- 8. Accommodation Reservation in TOD Zone:** Accommodation reservations marked on the Development Plan in the TOD zone should be developed according to DCPR 2034 and TOD regulations without premium charges after basic FSI utilization.
- 9. Time Limit Restriction:** The proposed one-year time limit should be removed as it does not align with the spirit of the National TOD Policy, which does not impose such restrictions.
- 10. Vestibule Construction:** While physical marking of a Vestibule may be challenging due to ongoing underground Metro construction, other aspects of the modification related to this should be adopted.
- 11. Clarity and Separation of Policy and Guidelines:** The notification should focus on basic policy proposals, with detailed procedures and guidelines provided as separate annexures for clarity and ease of understanding.
- 12. Developer Guidelines:** Restrictions regarding area percentages should be reevaluated and potentially removed for better flexibility in TOD development.
- 13. Inclusion of Affected Plots:** Plots within 800 meters of transit stations should be included in TOD areas, and clear mapping by authorities is requested for public feedback.
- 14. Expansion of TOD Area for Effectiveness:** Plots affected by TOD Influence zones below 50% should also be included in TOD areas to enhance the policy's effectiveness.
- 15. Development Regulations:** In respect to regulation. 3, we suggest that the Detailed regulations regarding tenement sizes, mixed-use developments, and ongoing proposals should be clarified and streamlined. The area of up to 30 sq m of each tenement shall be for the 10% of total built up area and 32.80 sq mt tenement size to be proposed for further 10% BUA. The mix use of residential and commercial shall also be allowed with permitted commercial user, office, departmental stores and mercantile buildings. The basic purpose of this scheme is to walk to work up to 6 minutes or by cycling. Since no parking is permitted in TOD corridor zone, shopping in ribbon development form shall be permitted in ongoing proposals.
- 16. Commercial Activities in TOD Zones:** Commercial activities should be permitted in TOD Zones, including government and semi-government buildings, to promote the "walk to work" concept. This suggestion is in respect to regulation no. 4.
- 17. Clarity in Open Space Requirements:** Sketches defining required open spaces and corridors should be included in the regulations for clarity and ease of implementation. This is in respect to regulation no. 6.
- 18. Parking Premium Exemption:** Premiums for additional parking provision should not apply as per Regulation No. 44. when applying Regulation No. 7.
- 19. Built-Up Area and FSI Considerations:** With regard to clause no. 7, Guidelines for handing over Public Parking Lots (PPL) and additional FSI should be clarified and aligned with TOD principles.
- 20. Inclusion of Additional Regulations:** Relevant clauses such as Regulation No. 14(b) should be included along with regulation 14(a), 14(b) and 15, and unnecessary charges related to Vestibule construction should be avoided. Also, in ongoing layouts 14(a) and 15 should not be applicable in TOD Zones.
- 21. Condonation of Open Space:** Condonation of open space should be permitted with a defined premium structure in line with development policies. This suggestion is in respect to clause no. 14(a)
- 22. Treatment of Balance FSI:** With respect to regulation no. 15, all the Proposals with remaining FSI should be treated as ongoing projects, and balance FSI as per TOD guidelines should be permitted.

**23. Expansion of TOD Zones:** Clause 17 should either be deleted or modified to include all transit nodes, aligning with the National TOD Policy.

**24. Plan Finalization Process:** The appropriate authority should finalize the plan within the stipulated timeline, incorporating feedback from stakeholders and addressing relevant clauses. This suggestion is in respect to clause no. 18.

**25. Incentives for Development:** Incentive FSI should be permitted based on plot area and road width, encouraging sustainable infrastructure development. This suggestion is in respect with regulation no. 2.

**26. Green Building Compliance:** All developments in TOD Zones must adhere to standard green building norms, with OC issuance contingent on compliance. This suggestion is in respect with regulation no. 2.

**27. Clarity through Visual Aids:** Incorporating sketches and visual aids in the modified policy will enhance understanding and implementation. This suggestion is in respect with regulation no. 2.

We respectfully request a personal hearing following the notice period to discuss these objections and suggestions further. Thank you for considering our input on this important matter.

**28. Clause No 2.3** In case where developer/landowner does not wish to opt for TOD FSI or FSI permissible under the respective regulation under which the proposal is proposed is higher (Rehab + Incentive Case) than the FSI permissible in 33(23) and the developer/owner does not intend to use any FSI of this regulation, then the proposal need not be in compliance with any provision of this regulation which majorly includes:

**29. Clause No 2.2** - Obligation to construct vestibule which opens directly into the land proposed to be developed under this regulation for pedestrian movement connecting underground metro station  
Necessary NOC to this effect shall not be insisted by the BMC/Planning Authority from the MMRCL/Metro Proponent before grant of OC for the development not undertaken as per this provision.

**30. Clause No 6 and 10:** Restrictions on provision of compound wall/ fencing in front open space or obligation of thoroughfare access proposed for pedestrian movement through side marginal open space around the building shall not be insisted

**31. Clause No 7:** Parking in TOD Zone shall be provided of the parking requirement as per the relevant provision and 50% parking requirement shall not be insisted for developer/landowner not opting for TOD FSI as per this policy.

**32. Clause No 9** In case of conflict between this regulation and any other regulation of existing provision then the existing provision shall prevail for developer/landowner not opting for TOD FSI as per this policy.  
In case the Developer / Landowner does not avail FSI as per TOD policy, they can get their proposal sanctioned as per prevailing DC regulations under DCPR 2034.

Yours sincerely,  
**For CREDAI-MCHI**



**Domnic Romell**  
President



**Dhaval Ajmera**  
Hon. Secretary